

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claim 1 has been amended herein, and claim 2 has been canceled without prejudice to continued prosecution.

Claims 1, 3-5 and 27 are currently pending and claims 6-8 and 20-26 are withdrawn. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejections

Claims 1-5 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims lack written description.

Without acquiescing to the Examiner's rejection, Applicants have amended claim 1 to remove the reference to 'at least 8 consecutive residues'. Claim 1 is now directed toward the amino acid sequence of SEQ ID NO:8. SEQ ID NO:8 has written description support, and Applicants respectfully request that the rejection of claims 1-5 and 27 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 1-5 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as the Examiner asserted that those claims lack enablement.

As indicated above, Applicants have amended claim 1 to refer to an immunogenic polypeptide having the amino acid sequence shown in SEQ ID NO:8. As the Examiner indicated that this claim was enabled (OA at page 7), Applicants respectfully request that the rejection of claims 1-5 and 27 under 35 U.S.C. §112, first paragraph, be withdrawn.

The 35 U.S.C. §102 Rejections

Claims 1-5 and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by database Uniprot_03, Accession number Q9KGX7 or Q9KGX9 or by Zhang et al. (1995, *Infect. Immun.*, 63(3):1013-1019).

Without acquiescing to the Examiner's rejection, Applicants have amended claim 1 to refer to SEQ ID NO:8. The amino acid sequence shown in SEQ ID NO:8 is not disclosed in

either of the cited references. In view of the amendments and remarks herein, Applicants respectfully request that the rejection of claims 1-5 and 27 under 35 U.S.C. §102(b) be withdrawn.

Request for Rejoinder

Claims 6-8 and 20-26 were withdrawn as being directed toward a non-elected invention following the Restriction Requirement of July 6, 2005 and Applicant's election of September 28, 2005. Since claim 1 should be allowable in view of the amendments and remarks herein, Applicants respectfully request that claims 6-8 and 20-26 be rejoined and allowed pursuant to MPEP §821.04(b).

CONCLUSION

Applicants respectfully request allowance of claims 1, 3-8 and 20-27. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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